

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHAGANTI & ASSOCIATES, P.C.)	
)	
Plaintiff)	
)	
v.)	No. 4:03CV501 HEA
)	
THOMAS NOWATNY, et al.)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion for Contempt and/or for Sanctions, [Doc. 185]. On January 26, 2007, the Court scheduled a hearing on this motion for February 7, 2007 at 11:00 a.m. On February 6, 2007, Plaintiff filed an "Emergency Motion to Continue" this hearing. The Court granted the Motion and continued the hearing to March 7, 2007. The Court, on its own motion, continued the hearing to March 8, 2007. Defendants sought a continuance of this setting on March 3, 2007. On March 8, 2007, the Motion was granted and the hearing was set for March 21, 2007 at 11:00 a.m. At 12:28 a.m. on March 21, 2007, counsel for Plaintiff filed a "Notice of Unavailability and Partial Response to the Pending Motion for Contempt." In this "notice" counsel advises the Court that he was "unable to obtain [sic] airline reservation that would permit his attendance at

the hearing on March 21, 2007.” Counsel did not elaborate to the Court of the efforts taken to secure a “reservation,” which would have been enlightening considering the ample notice given by the Court within which to formulate travel plans, if necessary.

The Court heard, on the record, counsel for Defendant’s position. Counsel advised the Court that Plaintiff has yet to sign the documentation ordered by this Court and the Eighth Circuit Court of Appeals. Counsel further requested that the Court find Plaintiff in contempt and set this matter for an evidentiary hearing regarding Plaintiff’s failures. The Court’s review of the record affirms that Plaintiff continues to be in contempt of this Court’s Orders and that of the Eighth Circuit.

Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion for Contempt and/or Sanctions, [Doc. 185], is granted.

IT IS FURTHER ORDERED that Plaintiff’s Motion to Clarify and to Stay, [Doc. 192], is denied.

IT IS FURTHER ORDERED that Plaintiff shall appear and show cause on March 28, 2007 at 10:30 a.m. in the courtroom of the undersigned why Plaintiff should not be held in contempt, and why sanctions should not be imposed.

IT IS FURTHER ORDERED that further requests for continuances will not

be considered by the Court.

IT IS FURTHER ORDERED that failure of Plaintiff to appear on said date will result in sanctions, including the issuance of a bench warrant.

Dated this 21st day of March, 2007.

A handwritten signature in black ink, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE